

### **DETAILED ACTION**

Claims 1-12 and 20-22 are pending in the instant application. Claims 13-19 were cancelled by way of amendment filed on October 28, 2008. Claims 1-12 and 20-22 are allowed.

### ***Response to Amendment and Remarks***

The amendment and remarks filed on October 28, 2008 were fully considered and entered into the application. The grounds for the 35 USC 102(b) rejections of claims 1-8, 10-12, 20, and 21 over WO 01/83461 and WO 02/028844 (or English equivalent U.S. Patent No. 6,949,566) are moot in view of Applicant's amendment. The grounds for the claim objections are also moot in view of Applicant's amendment. Therefore, the 35 USC 102(b) rejections and the claim objections have been withdrawn.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The claims have been amended as follows: in claim 21, line 1, "Type II" is inserted after "treating" and before "diabetes". The resulting line should read "A method of treating Type II diabetes,".

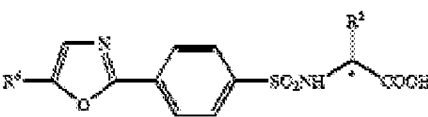
In claim 22, page 18, line 2, "which is" is replaced with a comma and then the phrase "selected from the group consisting of:". The resulting first two lines should read "A compound according to claim 1, selected from the group consisting of:". Also in claim

Art Unit: 1626

22, page 20, 16-19, between the last two species listed, the word "and" is inserted and after the last species listed, the last line is replaced with "or a pharmaceutically acceptable salt thereof." The resulting four lines should read "benzenesulfonylamino}-3-phenyl-propionic acid; and 2-({4-[2-(4-Chloror-phenyl)-5-(6-methoxy-pyridin-3-yl)-thiazol-4-yl]-benzenesulfonyl}-ethyl-amino)-3-phenyl-propionic acid; or a pharmaceutically acceptable salt thereof."

### REASONS FOR ALLOWANCE

The compounds of the formula in claim 1, compositions comprising them and a method of treating Type II diabetes using these compounds are novel and non-obvious over the prior art because of the structural limitation that Q is aryl, heteroaryl, an aryl derivative, a heteroaryl derivative, or heterocycloalkyl (i.e. Q can not be hydrogen or alkyl). The closest prior art is US Patent No. 6,949,566 which discloses compounds of

formula (I) (i.e. abstract), such as  wherein R6 is phenyl and R2 is methyl (column 16, Table 1, Compound No. A-2). This compound is not within the scope of the compounds of the instant claims nor is it an obvious variant because the compounds of the instant claims have two rings (i.e. one of them, Z, is always phenyl while the other ring can be aryl, heteroaryl or heterocycloalkyl) directly bonded to the heteroaryl (i.e. or the A ring) whereas the compounds of US Patent No. 6,949,566 only have one ring (i.e. phenyl or R6 in compound A-2) bond to the heteroaryl. Therefore, the compounds of US Patent No. 6,949,566 have different properties than the compound of the instant claims.

Art Unit: 1626

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTIN BIANCHI whose telephone number is (571)270-5232. The examiner can normally be reached on Mon-Fri 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kamal A Saeed/  
Primary Examiner, Art Unit 1626

Kristin Bianchi  
Examiner  
Art Unit 1626

Application/Control Number: 10/824,057  
Art Unit: 1626

Page 5

\*\*\*